

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1112 of 2000

Jabalpur, this the 11th day of February, 2004

Hon'ble Mr. M.^P. Singh, Vice Chairman
Hon'ble Mr. G. Shanthappa, Judicial Member

D.K. Biswas, aged 45 yrs
S/o Late Nalini Ranjan Biswas
Asstt. Foreman/ECE Ordnance
Factory Khamaria, Jabalpur(MP)

APPLICANT

(By Advocate - Shri Rakesh Pandey)

VERSUS

1. Union of India
Through the Secretary(DP&S)
Ministry of Defence South
Block New Delhi - 110011
2. Chairman, Ordnance Factories
Board 10-A, Shaheed Khudiram
Bose Road Calcutta - 700 001
3. General Manager
Ordnance Factory Khamaria
Jabalpur(MP)

RESPONDENTS

(By Advocate - Shri S. Akhtar on behalf of
Shri P. Shankaran)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA the applicant has sought the following reliefs :-

(i) Direct the respondents to denote review relevant review DPCs and order promotion of the applicant w.e.f. 20.6.80 in the grade of Chargeman Gr.I and w.e.f. 30.7.84 in the grade of AE and corresponding date in the grade of JWM at par with his juniors with all consequential benefits.

(ii) Direct the respondents to revise all the impugned orders as will be necessary out come of (i) above and refix the seniority of the applicant in Chargeman Gr.I and above correspondingly.

2. The brief facts of the case are that the applicant was initially appointed as Supervisor 'B'(Tech) on 1.9.75 at Grey Iron Foundry, Jabalpur. Subsequently, he was appointed as Chargeman Gr.II(Electronic) w.e.f. 6.6.77 at Ordnance Factory Ambajhari, Nagpur as direct recruit. He was further promoted to

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The post of Chargeman Gr.I w.e.f. 1.8.81 and transferred to Ordnance Factory Itarsi. He has further been promoted to the post of Junior Works Manager. The grievance of the applicant is that his seniority in the grade of Chargeman Gr.I has not been fixed correctly. The seniority list in the grade of Chargeman Gr.I has been prepared and issued by the respondents on 17.2.98(Annexure-A-5). According to him, he is shown senior to one Shri Bijan Kumar Das in the seniority list of Chargeman Gr.II which was issued by the respondents on 29.4.97, ^{that is} in which list, he was shown at serial No. 263 whereas Shri Bijan Kumar shown as at serial No. 264. The contention of the applicant is that in the list of chargeman Gr.I issued on 17.2.98 Shri Bijan Kumar Das has been shown at 127, he should ^{placed at} ~~therefore have been appeared~~ at serial No. 124. ^{On the other hand} ~~whereas~~ the respondents have placed the applicant at serial No. 163 which is not in order. According to the applicant, his seniority in the grade of Chargman Gr.I has not been fixed in accordance with the order of Principal Bench of this Tribunal in OA No. 2601/94 and connected OAs dated 22.10.95. ~~xxxx~~ The respondents have not given him due seniority in the grade of Chargeman Gr.I in accordance with the law laid down by the Principal Bench of this Tribunal in the aforesaid order. Aggrieved by this he has filed this OA claiming the aforesaid relief.

3. We have heard the learned counsel for the parties and perused the record.

4. The learned counsel for the applicant has stated that the applicant's seniority has not been fixed in accordance with the law laid down by the Principal Bench of this Tribunal in OA No. 2601/94 dated 22.12.95.


npf

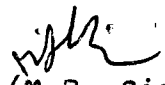
On the other hand the learned counsel for the respondents states that the applicant is claiming his seniority in the grade of Chargeman grade-I from serial No. 163 to 124. All the persons in between, who have not been impleaded, are going adversely affected in case the applicant is granted the seniority at serial No. 124. If the contention of the applicant is accepted and he is granted seniority in the grade of Chargeman Gr.I from serial No. 163 to serial No. 124, he will supersede about 39 persons ⁱⁿ whose names have appeared between in the aforesaid seniority list. As per the settled position of law, the persons whose seniority is going to adversely affected should be impleaded and given chance of hearing. In this case the applicant has not impleaded, the persons, who are going to be affected, therefore, the OA is liable to be dismissed.

5. We have carefully considered the rival contentions and we feel ends of justice will be met if we direct the applicant to file a detailed fresh representation to the respondents within a period of one month from the date of receipt of a copy of this order. If he complies with this direction, then the respondents are directed to consider the representation of the applicant and also consider this OA as a part of the representation and to take a decision in the light of the order dated 22.12.95 passed by the Full Bench of Tribunal (Principal Bench) in ON No. 2601/94 and connected OAs within a period of 3 months from the date of receipt of such representation.

6. The OA is disposed of with the above directions.

No Costs.


(G. Shanthappa)
Judicial Member


(M.P. Singh)
Vice Chairman